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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/709,944 | 06/08/2004 | Jim Rodnunsky | JR-P0009 | 3943 |
| 36067 | 7590 | 10/26/2004 | EXAMINER | |
| DALINA LAW GROUP, P.C. 7910 IVANHOE AVE. #325 LA JOLLA, CA 92037 | | | | RO, BENTSU |
| | | ART UNIT | | PAPER NUMBER |
| | | | | 2837 |

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/709,944 | RODNUNSKY ET AL. |
| | Examiner | Art Unit |
| | Bentsu Ro | 2837 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-77 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-56 and 66-77 is/are allowed.
- 6) Claim(s) 57,59-61 and 63 is/are rejected.
- 7) Claim(s) 58,62,64 and 65 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 June 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/15/04 (2 sheets).
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

FIRST OFFICE ACTION

1. Amendment to the specification paragraph [0001] is required as follows:

In the paragraph [0001], line 3, after "within Three-Dimensional Space", insert -- now US Patent No. 6,809,495,--.

The examiner has noted that this application does not include a "Fig. 13" in both the drawings and the specification. The examiner believes that skipping a single figure is not acceptable. The drawings should be labeled consecutively similar to that of the claims. In view of the foregoing, applicant should amend both the drawings and the specification such that all drawings are labeled consecutively.

2. The following claims amendments are required:

In claims 38-42, 47-51, 64, 70, 71, 76 and 77, each recites a phrase "said platform", this phrase lacks antecedent basis. Applicant should define "a platform" in the respective claims or in the preceding independent claims.

Claim 64 should be amended to depend on claim 63 because the "boom" is defined in claim 63.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 57 and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Lefkowitz et al US Patent No. 5,440,476. (This is an applicant's cited reference.)

Claim 57 and 61 read onto Lefkowitz et al teaching as follows:

Claims 57 and 61:

Lefkowitz et al teaching:

57. A system for facilitating three-dimensional movement of an object comprising:

a first line and a second line coupled with a rod at an offset between said first line and said second line

wherein said rod is further coupled with an object

and wherein said first line and said second line are configured to move said object;

a first junction configured to move said first line;

a second junction configured to move said second line.

Fig. 4 shows a system for facilitating a three-dimensional movement of an object; the object is identified as "load" 27 in Fig. 3;

Fig. 3 shows a first line (the first cable without reference numeral) connected to the positioning device 20; a second line (the second cable 25) connected to the positioning device 21; and a universal joint 26, shown as a U-shaped metal rod, coupled to the first cable and the second cable 25; the joint 26 separates the first cable from the second cable 25 by a small offset distance as clearly shown in Fig. 3;

the universal joint (rod) 26 is connected to a load 27;

the load 27 is an object;

the first and second cables are used to move the load 27;

applicant is referred to Fig. 1 for a similar operation;

the positioning device 20 is a first junction; the structure of the positioning device is shown in Fig. 2;

the positioning device 21 is a second junction.

61. The system of claim 57 wherein said first line and said second line are two line sides of a line.

Fig. 1D shows a reeving system of a load 6 wherein the cables 4 and 5 (similar to first cable and second cable 25 of Fig. 3) are each a line side of a line.

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 59, 60 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefkowitz et al.

Regarding claims 59, 60 and 63, Leflowitz et al do not show a microphone (claim 59), a photographic device (claim 60) or an articulated arm (claim 63) as a load. However, Leflowitz's load can be any device that requires such a positioning system, including a microphone, a photographic device or an articulated arm.

6. Claims 1-56 and 66-77 are allowable.

7. Claims 58, 62, 64 and 65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

These claims are allowable because no prior art teaches "effectuate z-movement by displacing x-line and y-line" (claim 34, for example); or "rotating the rod with respect to a vertical axis by adjusting the first line" (claim 66, for example).

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication should be directed to Bentsu Ro at telephone number (571) 272-2072.

Bentsu Ro
Senior Examiner
Art Unit 2837

